

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**COMPUTER & COMMUNICATIONS
INDUSTRY ASSOCIATION, and
NETCHOICE, LLC.,
Plaintiffs,**

v.

**KEN PAXTON, in his official capacity as
Attorney General of Texas,

Defendant.**

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Civil Action No. 1:24-cv-849-RP

DEFENDANT’S NOTICE OF APPEAL

Pursuant to Rules 3(a)(1) and 4(a)(1)(A) of the Federal Rules of Appellate Procedure, Defendant Ken Paxton, in his official capacity as Attorney General for the State of Texas (“Defendant”), files this Notice of Appeal to the United States Court of Appeals for the Fifth Circuit from the Order entered on August 30, 2024.¹ This Order granted in part and denied in part Plaintiffs’ Motion for a Preliminary Injunction. Defendant moved the Court to deny Plaintiffs’ Motion for a Preliminary Injunction.² The order granting the preliminary injunction in part is immediately appealable under 28 U.S.C. § 1292(a)(1). This notice divests this Court of jurisdiction during the pendency of the appeal because Defendant asserted threshold jurisdictional challenges against all claims brought by Plaintiffs in this lawsuit.³ Based on the cited Fifth Circuit precedent, proceedings in this Court are suspended pending resolution of the appeal.

¹ ECF 25.

² ECF 18.

³ See ECF 18; *Whole Woman's Health v. Jackson*, 13 F.4th 434, 444 (5th Cir. 2021) (“[T]he notice appealing the order ‘divest[s] the district court of its control over those aspects of the case involved in the appeal.’”) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)); see also *Wooten v. Roach*, 964 F.3d 395, 412 (5th Cir. 2020); *Williams v. Brooks*, 996 F.2d 728, 729–30 (5th Cir. 1993).

Dated: September 5, 2024

Respectfully submitted,

KEN PAXTON
ATTORNEY GENERAL OF TEXAS

BRENT WEBSTER
FIRST ASSISTANT ATTORNEY GENERAL

RALPH MOLINA
DEPUTY FIRST ASSISTANT ATTORNEY GENERAL

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/s/ Todd Dickerson

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Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the document above was served on all counsel of record who have entered an appearance on September 5, 2024, using the Federal Court CM/ECF system.

/s/ Todd Dickerson